

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BENSLEY CONSTRUCTION, INC.  
on its own behalf and on behalf of all others similarly  
situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES, INC.,  
MARSH, INC., ACE USA, ACE INA, AMERICAN  
INTERNATIONAL GROUP, AMERICAN  
REINSURANCE COMPANY, ARTHUR J.  
GALLAGHER & CO., HILB ROGAL & HOBBS,  
COMPANY, WILLIS GROUP HOLDINGS, LTD.,  
WILLIS NORTH AMERICA INC., WILLIS GROUP  
LTD., UNIVERSAL LIFE RESOURCES,  
UNIVERSAL LIFE RESOURCES, INC. (d/b/a ULR  
INSURANCE SERVICES, INC.), THE CHUBB  
CORPORATION, USI HOLDINGS, INC., METLIFE,  
INC., PRUDENTIAL FINANCIAL, INC.,  
UNUMPROVIDENT CORPORATION, THE ST.  
PAUL TRAVELERS COMPANIES, INC., ZURICH  
AMERICAN INSURANCE COMPANY, LIBERTY  
MUTUAL GROUP INC., LIBERTY MUTUAL  
INSURANCE COMPANY, LIBERTY MUTUAL  
FIRE INSURANCE COMPANY, EMPLOYERS  
INSURANCE COMPANY OF WAUSAU, and ST.  
JAMES INSURANCE COMPANY LTD.,

Defendants.

Civil Action No. 05 11249 GAO

**NOTICE OF THE JUDICIAL PANEL ON MULTIDISTRICT  
LITIGATION'S ISSUANCE OF A CONDITIONAL TRANSFER ORDER**

Defendant MetLife, Inc. hereby files this Notice of the Judicial Panel on Multidistrict Litigation's ("JPMDL") Issuance of a Conditional Transfer Order in the above captioned matter.

On February 17, 2005, JPMDL transferred three civil actions to the United States District Court for the District of New Jersey for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. This matter is assigned docket number MDL 1663.

On October 4, 2005, the JPMDL issued a Conditional Transfer Order (CTO-5) pertaining

to the above captioned matter. A copy of the Conditional Transfer Order is attached hereto as Exhibit A.

Respectfully Submitted by,

MetLife, Inc.,

By its attorneys,

/s/ Patricia R. Rich

Daniel B. Winslow (BBO#541972)

Patricia R. Rich (BBO# 640578)

DUANE MORRIS LLP

470 Atlantic Avenue

Boston, MA 02155

(617) 289-9290.

**CERTIFICATE OF SERVICE**

I, Patricia R. Rich, do hereby certify that I have served a true copy of the within document upon those counsel on the following service list who do not otherwise receive electronic notice, by first class mail, postage prepaid, on this October 6, 2005.

/s/ Patricia R. Rich  
Patricia R. Rich

**EXHIBIT A**

**MDL 1663**JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

OCT - 4 2005

FILED  
CLERK'S OFFICE

DOCKET NO. 1663

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE INSURANCE BROKERAGE ANTITRUST LITIGATION

*Bensley Construction, Inc. v. Marsh & McLennan Companies, Inc., et al.,*  
D. Massachusetts, C.A. No. 1:05-11249**CONDITIONAL TRANSFER ORDER (CTO-5)**

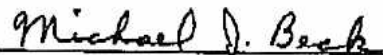
On February 17, 2005, the Panel transferred three civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 14 additional actions have been transferred to the District of New Jersey. With the consent of that court, all such actions have been assigned to the Honorable Faith S. Hochberg.

It appears that the action on this conditional transfer order involves questions of fact which are common to the actions previously transferred to the District of New Jersey and assigned to Judge Hochberg.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of February 17, 2005, 360 F.Supp.2d 1371 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Faith S. Hochberg.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck  
Clerk of the Panel

IMAGED OCT - 4 2005

**OFFICIAL FILE COPY**

FILED OCT 12 2005